

REMARKS/ARGUMENTS

The Applicant respectfully requests that the Examiner consider the following remarks in addition to the above claim amendment.

Claim Rejections Under 35 USC § 112, ¶ 2

Claim 14 stands rejected under 35 USC § 112, ¶ 2, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” As correctly noted by the Examiner, claim 14 incorrectly recited the limitation “the assigned telephone number” in line 2. The Applicant has amended claim 14 to address the antecedent basis problem that previously existed.

The Applicant believes the amendment to line 2 of claim 14 presented above fully addresses the Examiner’s concern under § 112, ¶ 2.

Claim Rejections Under 35 USC § 102(b) Based upon Speeney

Claim 14 stands rejected under 35 USC § 102(b) as being anticipated by US Patent No. 6,570,983 B1 to Speeney et al. [Speeney]. See 8 Feb. 2007 Office action, pp. 2-3, numbered § 4. The Applicant respectfully traverses this rejection for at least the following reasons.

Speeney discloses a method and system for audibly announcing an indication of an identity of a sender of a communication. In one aspect, Speeney discusses receiving a communication having a communication identifier and then searching a database to match the communication identifier to a data or audio file in the database that had been mapped to the communication identifier. If the communication identifier is located, then the mapped data or audio file announces the identity of the author of the communication to the contacted party. For instance, an audio file in the voice of the sender (or another audio file) may be stored in the database and mapped to the communication identifier. When that particular contacting party contacts the contacted party, the audio file is played identifying the contacting party to the contacted party.

Speeney discloses a “communication identifier field” 302 (Fig. 3) being mapped to a single announcement. Speeney also discloses a plurality of communication identifier fields 302 similarly being mapped to a single announcement. Speeney does not, however, disclose or suggest having multiple announcements for a single communication identifier, let alone how the

announcement of a particular contacting party to a contacted party may vary during a single attempt by the contacting party to reach the contacted party.

The Applicant has amended claim 14 to clearly distinguish over Speeney. In view of the above amendments and these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under § 102(b).

Claim Rejections Under 35 USC § 102(b) Based upon Fleck

Claims 15 and 16 stand rejected under 35 USC § 102(b) as being anticipated by US patent no. 6,728,354 B1 to Fleck et al. [Fleck]. See 8 Feb. 2007 Office action, pp. 3-4, numbered § 6. The Applicant respectfully traverses this rejection for at least the following reasons.

Fleck discloses methods and devices for outputting audio announcements using caller-identity-related parameters and other reference parameters. The output audio announcements identify the sources of incoming calls by comparing caller identity data and ring cadence signals in an incoming call with reference parameters. If a match occurs, an audio announcement is output. Customized audio announcements may be recorded by a caller so they may be played back as a way of announcing incoming calls or as a greeting. The announcements may be stored voices of callers who have originated incoming calls.

Fleck also discloses the use of ring cadence as part of the message selection process. See, e.g., Fleck '354, col. 7, ll. 18-21. That is, Fleck discusses the selection of a single announcement to be played on a multi-line telephone depending upon which of the telephone lines is being called – i.e., Fleck discloses one caller calling one of several telephone numbers being received by a single multi-line telephone. Id. at ll. 22-24. If a caller is calling a first line, a first message is play; and if the caller is calling a second line, a second message is played. Id. at ll. 24-27. Fleck discloses the single, multi-line telephone playing only one announcement per called telephone number. Thus, although Fleck discloses the possibility of having multiple announcements associated with one calling number if that calling number is calling different telephone numbers, Fleck fails to disclose having multiple, different announcement per individual telephone number called. Fleck thus cannot anticipate the Applicant's claimed invention.

In particular, the Applicant's claimed invention is directed toward a system that plays multiple, different messages to announce, for example, an identified calling party during a single

telephone call to a particular telephone number. To handle the deliver of multiple, different announcements that identify a particular caller to a call-receiving party, the Applicant's claimed system requires a substantial amount of logic beyond that which would be required by a system like the system disclosed in Fleck. See, e.g., Figs. 6A, 6B, 6C, 6D, and 6E of the Applicant's drawings, which are explained in, for example, paragraphs [0069]-[0087].

The Applicant has amended claims 15 and 16 to more clearly distinguish over Fleck. In view of the above amendments and these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under § 102(b).

Claim Rejections Under 35 USC § 103(a) Based Upon Fleck and Ojiro

Claims 1-3 and 6-7 stand rejected under 35 USC § 103(a) as being unpatentable over Fleck in view of US patent no. 6,748,075 B2 to Ojiro [Ojiro]. See 8 Feb. 2007 Office action, pp. 4-7, numbered § 8. The Applicant respectfully traverses this rejection for at least the following reasons.

Among other things, Ojiro discloses telephones that read out caller information between rings, even if a caller is "unregistered." In particular, Ojiro distinguishes prior systems in which caller information must be "registered" in a receiving apparatus before an incoming call from that caller may be announced to a callee via a voice announcement – i.e., in the prior systems, an unregistered caller cannot be announced in voice form. In Ojiro, however, even a call from an unregistered caller can be announced via, for example, a distinctive ring or a recorded voice message.

The Ojiro system uses caller ID information (which arrives in a text format) and a voice generator to announce caller information between the rings of an incoming call. Ojiro does not play announcements in lieu of rings as in the Applicant's claimed invention. Rather, Ojiro monitors the ring pattern (i.e., determines whether it is a single or double ring) and the time between rings, and plays an announcement (Ojiro only discloses announcing the telephone number and/or the caller's name) in the gaps between rings. Ojiro mutes an incoming ring if the announcement is unable to be completed between rings. Ojiro thereby addresses another potential problem seen with conventional telephones, when the incoming call ring may drown out the voice announcement of caller information.

In this § 103(a) rejection of claim 1, the Examiner relies upon Fleck in view of Ojiro. Neither Fleck (discussed in the last section) nor Ojiro, whether considered alone or in combination discloses or renders obvious all of the claimed features. For example, as noted in the immediately prior section, Fleck only discloses playing one announcement per telephone number called by a calling party. Similarly, Ojiro only discloses voice announcing the telephone number with or without the name of a calling party. Thus, limitations (2) and (3) of claim 1 are neither disclosed by nor rendered obvious in view of Fleck and Ojiro, whether considered alone or in combination. Limitation (2) is clearly missing since it requires means for associating “a plurality of aural announcements” with a particular identified telephone number of an incoming call, wherein that “plurality of aural announcements” are delivered to a particular “call-receiving party.” Again, neither Fleck nor Ojiro discloses or suggest the delivery of multiple announcements to a single called party for identifying a particular caller. As set forth in the last section, this is much more than a trivial difference since the Applicant’s claimed system for delivering a plurality of aural announcements to a particular called party to identify a particular caller requires a substantial amount of logic beyond that which would be required by a system like the system disclosed in Fleck. See, e.g., Figs. 6A, 6B, 6C, 6D, and 6E of the Applicant’s drawings, which are explained in, for example, paragraphs [0069]-[0087]. The related means for selecting and playing announcement appears in, for example, limitation (3) of claim 1.

The Applicant respectfully disagrees with the assertion on page 5 of the Office action that Fleck discloses a “plurality of aural announcements” identifying the incoming caller to “the call-receiving party.” At column 3, lines 46-64, Fleck discloses the use of CID data to identify the caller and the use of ring cadence signals to identify the called party. If the caller is calling a multi-line phone, that phone may associate more than one announcement with a particular identified caller since that caller may be calling, for example, line 1 or line 2. In Fleck “a unique set of reference parameters” (e.g., a set comprising unique CID data and a unique ring cadence) is “linked to a unique audio signal or announcement.” Fleck, col. 3, ll. 62-64 (emphasis added). The Applicant respectfully submits that this is not the same as having a “plurality of aural announcements” for identifying a particular incoming caller to a particular call-receiving party. In the Applicant’s invention, even after you have identified a particular caller who is calling a particular call-receiving party, you must also select a message to be played from a plurality of

available messages. In Fleck, once you have identified the caller and the caller, you have effectively also identified the message to be played.

The Applicant also respectfully disagrees with the assertion on page 5 of the Office action that Ojiro discloses a “selecting and playing” aural announcements selected from a plurality of aural announcements.” Ojiro only disclosed announcing aurally CID information, namely the telephone number and/or the name of the calling party. In particular, if the calling party’s name is unavailable, the Ojiro device will announce only the telephone number between rings. If, on the other hand, the available CID data includes the name of the calling party, then the Ojiro device will announce both the telephone number and the caller’s name between rings. There is, however, no “message selection” involved; and the Ojiro system announces whatever CID information is available. If no CID data is available, the Ojiro system automatically plays a default announcement (e.g., “no name information available” or “private caller” or “out of area”). See Ojiro, col. 3, ll. 52-63. If the CID information includes only telephone number information, the Ojiro system may announce “number available” before announcing the telephone number. Again, there is no “selection” of messages from a plurality of available caller-identifying messages taking place.

Regarding independent claim 2, the Applicant also respectfully asserts for similar reasons that Fleck and Ojiro, whether considered alone or in combination, fail to disclose or render obvious all of the claim limitations. Claim 2 requires a means for storing a plurality of selectable announcements for announcing a call from a particular calling party to a particular call-receiving party. In particular, claim 2 requires means for detecting the identify of the calling party (by identifying the telephone number of the caller) and means for selecting one of a plurality of announcements to be played in response to a call to a particular call-receiving party (i.e., to a particular telephone line). That is, you have a system for announcing a particular caller to a particular call-receiving party via a plurality of selectable announcements. Fleck and Ojiro fail to disclose/enable selecting one of several “caller-identifying announcements” to be played to a particular call-receiving party.

The Applicant respectfully submits that claim 3, which depends directly from independent claim 2 is allowable as depending from an allowable base claim. The Applicant also asserts that the limitation of claim 3 itself is neither disclosed nor rendered obvious by Fleck and Ojiro whether considered alone or in combination.

The Applicant respectfully submits that independent claim 6, is allowable of the combination of Fleck and Ojiro for at least the reasons argued above with respect to independent claim 2. For example, claim 6 requires “a first plurality of aural announcements” for identifying incoming call from a first caller to a call-receiving party, and “a second plurality of aural announcements” for identifying incoming call from a second caller to the same call-receiving party. The claim also requires a means for selecting from among multiple aural announcements for announcing a particular caller to a particular call-receiving party, which, again, is neither disclosed by nor rendered obvious in view of the Fleck and Ojiro, whether considered alone or in combination.

In view of the above amendments and these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-3, 6, and 7 under § 103(a).

Claim Rejections Under 35 USC § 103(a) Based Upon Fleck, Ojiro, and McAllister

Claims 4, 5, and 8-13 stand rejected under 35 USC § 103(a) as being unpatentable over the combination of Fleck and Ojiro as applied to claims 2, 3, and 6, and further in view of US patent no. 6,385,584 B1 to McAllister et al. [McAllister]. See 8 Feb. 2007 Office action, pp. 7-8, numbered § 9. The Applicant respectfully traverses this rejection for at least the following reasons.

McAllister discloses providing automated voice responses with variable user prompting. In particular, this patent discloses, in essence, an automated system for “fooling” callers into believing that they not getting the same computer-generated message each time they call. The system comprises a voice response unit that delivers a variety of “content equivalent” messages and prompts that may be substituted for one another to vary the presentation of messages provided to a user and thereby more closely simulate a human operator. The McAllister device thus will provide a slightly different (but “content equivalent”) response to the same basic query from a caller. The McAllister patent discloses the use of a random number that is generated and used to select one of these “content equivalent” audio files.

McAllister is quite different from the Applicant’s claimed system for identifying a caller to a call-receiving party via a plurality of aural announcements tied to each particular caller.

Regarding dependent claim 4, the Applicant respectfully submits that this claim is allowable as depending indirectly from allowable base claim 2 for at least the reasons provided

above and as depending directly from allowable intervening claim 3 for at least the reasons provided above.

Regarding dependent claim 5, the Applicant respectfully submits that this claim is allowable as depending directly from allowable base claim 2 for at least the reasons provided above.

Each of claims 8-13 depends directly from independent claim 6. The Applicant thus respectfully submits that each of these claims is allowable as depending directly from an allowable base claim for at least the reasons provided above with respect to claim 6.

In view of the above amendments and these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 4, 5, and 8-13 under § 103(a).

Claim Rejections Under 35 USC § 103(a) Based Upon Fleck and McAllister

Claim 17 stands rejected under 35 USC § 103(a) as being unpatentable over Fleck as applied to claim 16, and further in view of McAllister. See 8 Feb. 2007 Office action, pp. 8-9, numbered § 10. The Applicant thus respectfully submits that claim 17 is allowable as depending directly from allowable base claim 16 for at least the reasons provided above with respect to claim 16.

In view of the above amendments and these remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 4, 5, and 8-13 under § 103(a).

Extension of Time

The Applicant hereby petitions for a 3-month extension of time for filing this response. The fee for this extension is being paid electronically concurrently with this filing.

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Conclusion

Following entry of the above amendments, claims 1-22 are pending in the application. The Applicant believe that all of the Examiner's concerns have now been addressed, and respectfully requests a notice of allowance of these twenty-two claims.

Respectfully submitted this 8th day of August 2007.

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